

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C.A. NO. 05-10489-NMG

GLENN S. BATES,

Plaintiff

v.

TOWN OF HARWICH AND HARWICH  
POLICE DEPARTMENT, CHRISTOPHER  
KENDER, AND BARRY MITCHELL,

Defendants

DEFENDANTS' MOTION FOR  
DISCLOSURE OF CRIMINAL  
OFFENDER RECORD INFORMATION

Now come the defendants, Christopher Kender and Barry Mitchell, and hereby move that this Court issue an Order, granting their defense counsel access to the adult Criminal Offender Record Information (CORI), maintained by the Criminal History Systems Board (CHSB), for plaintiff Glenn S. Bates. As grounds therefor, said defendants state the following:

1. Pursuant to its statutory authority, the CHSB, the state agency charged with the maintenance and dissemination of CORI, has certified that the CORI of prospective witnesses is to be made available to an attorney of record in a court proceeding, when the CORI is to be used for trial strategy or impeachment. See G.L.c.6, §172, and Attorney of Record Certification (attached hereto).
2. The plaintiff is anticipated to be called as a witness at trial in this matter.
3. The CHSB does not oppose release of the plaintiff's CORI, but will not release such information without a court order.
4. Plaintiff's CORI will only be used by the defendants for trial strategy or trial witness impeachment purposes in the above-captioned action, and will not otherwise be disclosed to any person who is not authorized to have access to CORI.

WHEREFORE, defendants Kender and Mitchell respectfully request that the Court allow the within motion.<sup>1</sup>

DEFENDANTS,

CHRISTOPHER KENDER  
AND BARRY MITCHELL,

By their attorneys,

/s/Jackie Cowin  
Joseph L. Tehan, Jr. (BBO #494020)  
Jackie Cowin (BBO# 655880)  
Kopelman and Paige, P.C.  
101 Arch Street  
Boston, MA 02110  
(617) 556-0007

CERTIFICATE OF SERVICE

I, Jackie Cowin, certify that the above document will be served upon any party or counsel of record who is not a registered participant of the Court's ECF system, upon notification by the Court of those individuals who will not be served electronically. /s/Jackie Cowin

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<sup>1</sup> The CHSB requires a Court order bearing an original signature and certification. Counsel has prepared a proposed order, but has not filed it with this motion, as the order bears the plaintiff's social security number. As such, if and when the instant motion is allowed, defense counsel intends to present the proposed order for the Court's signature and certification.